

September 16, 2016

REGULAR MEETING MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
September 16, 2016

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:02 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Anita M. Cummings, G.A. Finch, Susan Moylan Krey, and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; Andrew Barris (by telephone), Assistant Executive Director and Jane Ryan (by telephone), Exemption Monitor; Roneta Taylor (by telephone), Mike Quinlan (by telephone), Sherry Campbell (by telephone), and John Logsdon (by telephone), Illinois Department of Central Management Services; Katherine Williams (by telephone) and Mike Taylor (by telephone), Illinois Department of Juvenile Justice.

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD ON AUGUST 22, 2016

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 4-0, TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD ON AUGUST 22, 2016.

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

At this time, in accordance with the Open Meetings Act and the Rules of the Civil Service Commission, Executive Director Daniel Stralka offered an opportunity for any person to address members of the Commission. Hearing no response, the meeting proceeded to the next agenda item.

September 16, 2016

V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Department of Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	149.....	18
Agriculture.....	365.....	20
Arts Council.....	10.....	2
Capitol Development Board.....	43.....	0
Central Management Services.....	1,374.....	106
Children and Family Services.....	2,561.....	54
Civil Service Commission.....	3.....	0
Commerce & Economic Opportunity.....	297.....	69
Commerce Commission.....	60.....	0
Corrections.....	11,874.....	100
Criminal Justice Authority.....	51.....	7
Deaf and Hard of Hearing Comm.....	5.....	1
Developmental Disabilities Council.....	8.....	1
Emergency Management Agency.....	69.....	6
Employment Security.....	1,136.....	31
Environmental Protection Agency.....	691.....	17
Financial & Professional Regulation.....	418.....	49
Gaming Board.....	169.....	6
Guardianship and Advocacy.....	94.....	8
Healthcare and Family Services.....	1,935.....	26
Historic Preservation Agency.....	133.....	17
Human Rights Commission.....	14.....	2
Human Rights Department.....	125.....	9
Human Services.....	13,068.....	77
Illinois Torture Inquiry Relief Commission.....	2.....	1
Independent Tax Tribunal.....	1.....	0
Innovation and Technology.....	2.....	11
Insurance.....	223.....	15
Investment Board.....	3.....	2
Juvenile Justice.....	1,069.....	27
Labor.....	84.....	11
Labor Relations Board Educational.....	11.....	3
Labor Relations Board State.....	15.....	2
Law Enforcement Training & Standards Bd.....	20.....	2
Lottery.....	144.....	9
Military Affairs.....	131.....	3
Natural Resources.....	1,252.....	32
Pollution Control Board.....	20.....	2
Prisoner Review Board.....	21.....	1
Property Tax Appeal Board.....	31.....	1
Public Health.....	1,095.....	39
Racing Board.....	2.....	1
Revenue.....	1,530.....	52
State Fire Marshal.....	118.....	12
State Police.....	1,023.....	10
State Police Merit Board.....	7.....	2
State Retirement Systems.....	101.....	3
Transportation.....	2,157.....	0
Veterans' Affairs.....	1,328.....	10
Workers' Compensation Commission.....	131.....	11
TOTALS.....	45,173.....	888

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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C. Requests for 4d(3) Exemption

Exemption Monitor Jane Ryan reported the following:

- As to Items C, this request is from the Department of Juvenile Justice (DJJ) for an Equal Employment and Affirmative Action Officer (EEO Officer). The position reports to the Director. The EEO Officer position will have principal policy making responsibility for the Equal Employment Opportunity/Affirmative Action program and be responsible for implementation within the Agency. DJJ employs over 1,000 people and is responsible for the care and well-being of juveniles under its jurisdiction. This exposes the Agency to EEO/Affirmative Action claims by both employees and residents. The size and nature of the agency are a key consideration as the Commission has a mixed history of approving 4d(3) exemptions of this nature. Staff recommended approval.
- As to Items D1 and D2, Central Management Service has requested these items be continued to the October meeting of the Commission. Staff had no objection.

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO GRANT THE EXEMPTION REQUEST FOR THE FOLLOWING POSITION:

C: Equal Employment Opportunity Officer/Affirmative Action Officer (DJJ)

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO CONTINUE THE FOLLOWING EXEMPTION REQUESTS TO THE OCTOBER 2016 MEETING:

D1: Deputy Director, Office of Operational Excellence (CMS)

D2: Assistant Deputy Director, Office of Operational Excellence (CMS)

The following 4d(3) exemption request was granted on September 16, 2016:

C. Illinois Department of Juvenile Justice

Position Number	37015-27-00-000-10-01
Functional Title	Equal Employment Opportunity Officer/Affirmative Action Officer
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

The following 4d(3) exemption requests were continued to the October 2016 meeting:

D1. Illinois Department of Central Management Services

Position Number	40070-37-00-200-00-01
Functional Title	Deputy Director, Office of Operational Excellence
Incumbent	Vacant
Supervisor	Director
Location	Sangamon County

D2. Illinois Department of Central Management Services

Position Number	40070-37-00-200-10-01
Functional Title	Assistant Deputy Director, Office of Operational Excellence
Incumbent	Vacant
Supervisor	Deputy Director, Office of Operational Excellence who reports to the Director
Location	Sangamon County

VI. CLASS SPECIFICATIONS

A. Governing Rule – Section 1.45 Classification Plan

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work.

B. None submitted

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.

VII. PERSONNEL RULES

A. Civil Service Commission Governing Rule – Section 1.310 Personnel Rules

The Commission has power to disapprove new rules or amendments to existing rules submitted by the Director of Central Management Services. Such proposed new rules or amendments of existing rules submitted to the Commission shall be accompanied by a report of proceedings attending the prior public hearing required by law with respect to them. If the Commission does not disapprove new rules or any amendment to existing rules within 30 days following the receipt from the Director of Central Management Services, the new rules or amendments have the force and effect of law after filing by the Director with the Secretary of State.

B. None submitted

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT CONTAINED IN THIS AGENDA TO ALLOW ADEQUATE STUDY.

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

IT WAS MOVED BY COMMISSIONER FINCH, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE THE MOTION ADOPTED 4-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

CUMMINGS	YES	FINCH	YES
KREY	YES	URLACHER	YES

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IX. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:35 a.m.

PRESENT

Anita M. Cummings, G.A. Finch, Susan Moylan Krey and Casey Urlacher, Commissioners; Daniel Stralka, Executive Director; and Andrew Barris (by telephone), Assistant Executive Director and Jane Ryan (by telephone), Exemption Monitor.

X. NON-MERIT APPOINTMENT REPORT

Set forth below is the number of consecutive non-merit appointments made by each agency as reported by Central Management Services:

Agency	7/31/16	8/31/16	8/31/15
Agriculture	3	2	6
Arts Council	0	0	1
Central Management Services	6	3	4
Children and Family Services	1	1	2
Emergency Management Agency	1	1	0
Employment Security	2	0	1
Financial and Professional Regulation	1	1	0
Healthcare and Family Services	5	3	5
Historic Preservation Agency	1	1	3
Human Rights Department	1	1	0
Human Services	9	8	7
Insurance	1	1	1
Natural Resources	28	21	43
Public Health	0	0	1
Revenue	0	0	6
State Fire Marshal	1	1	0
State Police	0	1	0
State Retirement Systems	2	1	5
Transportation	0	1	2
Workers' Compensation Commission	3	3	1
Totals	65	50	88

XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-48-16

Employee	Vanda Bagot	Appeal Date	5/02/16
Agency	Human Services	Decision Date	9/02/16
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER FINCH, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE FINDINGS OF FACT OF THE PROPOSAL FOR DECISION AND PARTIALLY AFFIRM AND ADOPT THE CONCLUSIONS OF LAW, WHILE MODIFYING THE RECOMMENDATION THAT DISCHARGE IS THE APPROPRIATE LEVEL OF DISCIPLINE TO BE IMPOSED.

IT IS HEREBY DETERMINED THAT THE WRITTEN CHARGES FOR DISCHARGE HAVE BEEN PROVEN BUT CONSIDERING THE NATURE OF THE OFFENSES AND THE EMPLOYEE’S LENGTH OF CONTINUOUS SERVICE, THE PROVEN CHARGES DO NOT RISE TO THE LEVEL WHICH SOUND PUBLIC OPINION RECOGNIZES AS GOOD CAUSE FOR THE EMPLOYEE TO NO LONGER HOLD THE POSITION. THE EVIDENCE INDICATES THAT THE EMPLOYEE WAS HELD TO A STANDARD OF JOB PERFORMANCE ALLOWING NO MISTAKES OR MISCOMMUNICATION THAT THE AGENCY ITSELF WAS UNABLE TO MEET. FOR INSTANCE, ON THE STATEMENT OF CHARGES, THE AGENCY FAILED TO INCLUDE THE DATE OF THE ALLEGED MISCONDUCT IN CHARGE 3 WHILE ALSO LISTING AN INCORRECT DATE FOR THE EMPLOYEE’S PRIOR DISCIPLINE.

MOREOVER, THE EVIDENCE INDICATES THAT THE EMPLOYEE’S SUPERVISOR NEVER LISTENED TO HER INPUT, LEADING TO A REASONABLE CONCLUSION THAT SHE WOULD NEVER BE ABLE TO PERFORM HER JOB TO THE STANDARDS OF PERFECTION THAT THE AGENCY ITSELF DID NOT MEET. IN ADDITION, THE EVIDENCE INDICATES THAT THE AGENCY SPECIFICALLY OFFERED THE EMPLOYEE THE OPPORTUNITY TO LEAVE WORK ON FEBRUARY 18, 2016 BUT AFTER SHE ACCEPTED THE OFFER, THE AGENCY TURNED AROUND AND USED HER DEPARTURE AS EVIDENCE THAT SHE COULD NOT CONTROL HER ANGER. FURTHERMORE, DHS RULES SPECIFICALLY STATE “AN EMPLOYEE YELLING AT A CO-WORKER IN THE WORK PLACE WOULD BE SUBJECT TO A 1-5 DAY SUSPENSION.”

THIS FINDING AND DECISION IS IN NO WAY SANCTIONING THE PROVEN CONDUCT IN THE CASE BUT A REASONABLE AND COMPASSIONATE INTERPRETATION OF THE PROVEN CONDUCT, THE MITIGATING CIRCUMSTANCES AND AN APPLICATION OF PROGRESSIVE DISCIPLINE-

CONSIDERING HER MOST RECENT DISCIPLINE WAS ONLY A 15 DAY SUSPENSION-DICTATES THAT DISCHARGE IS AN EXCESSIVE PENALTY IN THIS CASE. IN ADDITION, IT IS RECOMMENDED THAT THE EMPLOYEE, HER SUPERVISORS, AND HER CO-WORKERS ALL RECEIVE ADDITIONAL TRAINING TO ALLOW THEM TO BETTER COMMUNICATE WITH EACH OTHER WHEN THERE ARE DISAGREEMENTS SO THAT THEY MAY PROPERLY SERVE THE RESIDENTS WITH WHOM THEY ARE ENTRUSTED.

IT SHOULD ALSO BE NOTED THAT IF THE EMPLOYEE DOES NOT LEARN TO APPRECIATE AND CONTROL THE MANIFESTATIONS OF HER EMOTIONS SHE WILL SOON FIND HERSELF SUBJECTED TO DISCHARGE PROCEEDINGS IN THE FUTURE. FOR THESE REASONS, THE PROVEN CHARGES WARRANT A 90-DAY SUSPENSION PLUS THE DURATION OF HER SUSPENSION PENDING DISCHARGE IN LIEU OF DISCHARGE.

**CUMMINGS YES FINCH YES
KREY YES URLACHER YES**

DA-53-16

Employee	Troy D. Jones	Appeal Date	5/16/16
Agency	Transportation	Decision Date	9/01/16
Appeal Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER URLACHER, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE THAT THE CHARGE WAS PROVEN AND DOES WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED SEPTEMBER 1, 2016.

**CUMMINGS YES FINCH YES
KREY YES URLACHER YES**

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XII. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

DA-3-17

Employee	Elisabeth Damia	Appeal Date	7/13/16
Agency	Children & Family Services	Decision Date	8/15/16
Appeal Type	Discharge	Proposal for Decision	Dismissed; withdrawn.
ALJ	Andrew Barris		

DA-8-17

Employee	Thomas A. Frescura	Appeal Date	8/02/16
Agency	Revenue	Decision Date	8/30/16
Appeal Type	Discharge	Proposal for Decision	Dismissed; withdrawn
ALJ	Andrew Barris		

DA-11-17

Employee	Kevin M. Orlowski	Appeal Date	8/24/16
Agency	Juvenile Justice	Decision Date	8/30/16
Appeal Type	Discharge	Proposal for Decision	Dismissed; withdrawn.
ALJ	Andrew Barris		

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 4-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE PROPOSALS FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO DISMISS THE APPEALS.

**CUMMINGS YES FINCH YES
KREY YES URLACHER YES**

XIII. FY 2016 ANNUAL REPORT

IT WAS MOVED BY COMMISSIONER URLACHER, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 4-0 TO APPROVE THE FISCAL YEAR 2016 ANNUAL REPORT AS SUBMITTED WITH MINOR MODIFICATIONS TO THE BIOGRAPHIES OF COMMISSIONER CUMMINGS AND COMMISSIONER FINCH.

September 16, 2016

XIV. MEETING SCHEDULE FOR 2017

Discussion was had, in which all Commissioners participated in, as to the dates, locations and times for next year's meeting schedule so as to maximize participation by all interested parties.

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER FINCH, AND THE MOTION ADOPTED 4-0 TO APPROVE THE FOLLOWING MEETING SCHEDULE FOR CALENDAR YEAR 2017:

January 20, 2017	Chicago	July 21, 2017	Chicago
February 17, 2017	Springfield	August 18, 2017	Springfield
March 17, 2017	Chicago	September 15, 2017	Chicago
April 21, 2017	Chicago	October 20, 2017	Chicago
May 19, 2017	Chicago	November 17, 2017	Chicago
June 16, 2017	Chicago	December 15, 2017	Chicago

Chicago meetings commence at 11:00 a.m. Springfield meetings commence at 1:30 p.m.

XV. STAFF REPORT

The Commissioners acknowledged the passing of Chairman William Schroeder on August 28, 2016. Executive Director Stralka advised that in accordance with their wishes a suitable floral arrangement had been delivered on behalf of the Commission. Commissioners restated their condolences and recognized his service to the Civil Service Commission.

XVI. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, October 21, 2016 at 11:00 a.m. in the Commission's Chicago office.

XVII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER URLACHER, AND THE MOTION ADOPTED 4-0 TO ADJOURN THE MEETING AT 11:55 A.M.